

1 DANIEL L. WARSHAW (Bar No. 185365)
dwarshaw@pswlaw.com
2 **PEARSON, SIMON & WARSHAW, LLP**
15165 Ventura Boulevard, Suite 400
3 Sherman Oaks, California 91403
Telephone: (818) 788-8300
4 Facsimile: (818) 788-8104

5 MELISSA S. WEINER (admitted *pro hac vice*)
mweiner@pswlaw.com
6 PEARSON, SIMON & WARSHAW, LLP
800 LaSalle Avenue, Suite 2150
7 Minneapolis, Minnesota 55402
Telephone: (612) 389-0600
8 Facsimile: (612) 389-0610

9 JEFFREY KALIEL (Bar No. 238293)
ikaliel@kalielpllc.com

10 SOPHIA GOLD (Bar No. 307971)
sgold@kalielpllc.com

KALIEL PLLC
1875 Connecticut Ave. NW, 10th Floor
Washington, D.C. 20009
Telephone: (202) 350-4783
Facsimile: (202) 871-8180

14 | [Additional Counsel on Signature Page]

15 | Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

20 R.A., a minor, by and through his
21 Guardian, Steve Altes, on behalf of
himself and all others similarly situated.

22 Plaintiff.

23 | VS.

24 || Epic Games, Inc.

25 || Defendant.

CASE NO. 2:19-cv-01488-GW-E

CLASS ACTION

**DECLARATION OF STEVE ALTES
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO COMPEL
ARBITRATION OR TRANSFER**

Date: July 11, 2019

Time: 8:30 AM

Crtrm.: 9D

1 Steve Altes declares under penalty of perjury of the laws of the United States
2 as follows:

3 1. I am the father of R.A. and appointed as Guardian Ad Litem to R.A. in
4 this action. I have personal knowledge of the facts stated herein, and I am otherwise
5 competent to testify. I submit this declaration in support of Plaintiff's Opposition to
6 Defendant's Motion to Compel Arbitration or Transfer.

7 2. I did not download or install Fortnite on R.A.'s computer or create an
8 account with Epic Games, Inc. ("Epic"). I did not ever see, read or agree to Epic's
9 End User License Agreement ("EULA") in October of 2017.

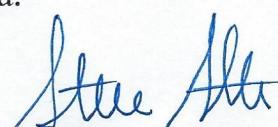
10 3. I did not access R.A.'s Epic account or see, read or agree to Epic's
11 amended EULA in March of 2019 or at any other time.

12 4. I did not give R.A. my permission to click "I Accept" to the 2017 or
13 2019 EULAs.

14 5. To my knowledge, there are no safeguards in place requiring my
15 presence or acceptance of any user terms.

16
17 I declare under penalty of perjury under the laws of the United States that the
18 foregoing is true and correct.
19

20 Executed on June 18, 2019 at Valencia, California.

21
22 
23 Steve Altes
24
25
26
27
28